

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

MARTÍN JONATHAN BATALLA VIDAL,
ANTONIO ALARCON, ELIANA FERNANDEZ,
CARLOS VARGAS, MARIANO MONDRAGON,
and CAROLINA FUNG FENG, on behalf of
themselves and all other similarly situated
individuals, and MAKE THE ROAD NEW YORK,
on behalf of itself, its members, its clients, and all
similarly situated individuals.

Plaintiffs,

v.

KIRSTJEN M. NIELSEN, Secretary of the
Department of Homeland Security, JEFFERSON
BEAUREGARD SESSIONS III, Attorney General
of the United States, and DONALD J. TRUMP,
President of the United States,

Defendants.

Pursuant to Federal Rules of Civil Procedure 65, Plaintiffs—Martín Jonathan Batalla Vidal, Antonio Alarcon, Eliana Fernandez, Carlos Vargas, Mariano Mondragon and Carolina Fung Feng, on behalf of themselves and a proposed nationwide class of similarly situated individuals, and Plaintiff Make The Road New York, on behalf of itself and its members and clients—hereby move for a preliminary injunction of Defendants’ termination of the Deferred Action for Childhood Arrivals (“DACA”) program. Plaintiffs’ motion is supported by the accompanying memorandum of law, declarations and exhibits.

As explained in the accompanying memorandum, Plaintiffs are likely to succeed on their claims that Defendants’ termination of DACA was arbitrary and capricious and violated the procedural requirements of both the Administrative Procedure Act (“APA”) and the Regulatory Flexibility Act (“RFA”). Defendants’ termination of the DACA irreparably harms Plaintiffs and

**PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION**

Case No. 1:16-cv-04756 (NGG) (JO)

members of the proposed class, and the balance of the equities and the public interest heavily favor provisional relief and a return to the status quo prior to the September 5, 2017 termination.

Dated: December 15, 2017

Respectfully submitted,
/s/ - Karen C. Tumlin
Karen C. Tumlin, Esq.[†]

David Chen, Law Student Intern
Susanna D. Evarts, Law Student Intern
Victoria Roeck, Law Student Intern
Healy Ko, Law Student Intern
Hannah Schoen, Law Student Intern
Emily Villano, Law Student Intern
Muneer I. Ahmad, Esq.[†]
Marisol Orihuela, Esq.[†]
Michael J. Wishnie, Esq. (MW 1952)
JEROME N. FRANK LEGAL SVCS. ORG.
Phone: (203) 432-4800

Amy S. Taylor, Esq. (AT 2056)
Deborah Axt, Esq. (DA 4885)
Scott Foletta, Esq. (SF 9452)
Alexia Schapira, Esq. (AS 8222)
Natalia Renta, Esq. **
MAKE THE ROAD NEW YORK
301 Grove Street
Brooklyn, NY 11237
Phone: (718) 418-7690

Jessica R. Hanson, Esq.[†]
Mayra B. Joachin, Esq.[†]
Karen C. Tumlin, Esq.[†]
Trudy S. Rebert, Esq.*+
NATIONAL IMMIGRATION LAW CENTER
3450 Wilshire Blvd, #108-62
Los Angeles, CA 90010
Phone: (213) 639-3900

Justin Cox, Esq.[†]
NATIONAL IMMIGRATION LAW CENTER
PO Box 170208
Atlanta, GA 30317
Phone: (678) 279-5441

Joshua A. Rosenthal, Esq.[†]
NATIONAL IMMIGRATION LAW CENTER
1121 14th Street NW, Ste 200
Washington, DC 20005
Phone: (202) 216-0261

Attorneys for Plaintiffs

[†] *Appearing pro hac vice*

^{*} *Pro hac vice motion forthcoming*

⁺ *Admitted only in Louisiana, application pending in New York*

^{**} *Application pending in EDNY*

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2017, a true and correct copy of the foregoing Motion for Preliminary Injunction, the accompanying memorandum of law, and all supporting declarations and exhibits were filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ - Karen C. Tumlin
Karen C. Tumlin, Esq.[†]
NATIONAL IMMIGRATION LAW CENTER
3450 Wilshire Blvd, #108-62
Los Angeles, CA 90010
Phone: (213) 639-3900